

REMARKS

Claims 1-7 were pending in this application. Claim 1 is currently amended. Claims 8 and 9 are newly added. Support for the amendment and new claims may be found throughout the originally filed specifications and claims. No new subject matter has been added.

Claim Rejections Under 35 USC §103

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brotz (U.S Patent No.: 5,213,338) in view of Park et al. (WO/01/07128 A1).

The Examiner states "Brotz and Park et al. disclose the claimed invention except for designating which range of frequency moves the ball towards a designated direction. It would have been an obvious matter of design choice to designate which range of frequency moves the ball towards a designated direction, since applicant has not disclosed that doing so solves any stated problem or is for any particular purpose other than moving the balls' direction."

A feature of the claimed method is that a player moves the magnetic unit in the x-direction only by having a lower brain wave frequency as compared to their opponent ("the brain wave frequency of the first player is being below a brain wave frequency of the second player"), requiring two inputs so that a relative comparison can be made to move the game unit. Park et al. specifically states in the Disclosure of the Invention that "it is an objective of the present invention to provide a game device and method using brain waves which vary according to the change in a user's will to enjoy a game, in which reference brain waves reflecting individual features of brain waves of each user on a real-time basis are used." Park et al. at page 2, lines 14-18. Park et al. teaches comparing the "brain wave control variables" from each player to a required "reference value of each variable." Park et al. at page 5, lines 11-14. Park et al. therefore teach a method in which each player's input individually affects the game and fail to teach the idea of comparing separate players' brain waves to move a game unit. Brotz also fails to teach comparing two relative inputs to produce movement of a game unit, stating in the Summary of the Invention that "When the device is used by multiple players, each player will control his own series of electromagnets," indicating that it is analogous to

Park et al. in that each individual player's input affects change in the display (2:30-32). Brotz at col. 2, lines 30-32.

While Brotz does mention a comparative aspect between inputs when the device is used by multiple players, the affect is additive, meaning each input will independently affect the display unit wherein the resulting affect is a summation of the brain waves of each player. Brotz at col. 2, lines 36-42. The affect on the game display by various players can be thought of using the following equations where x and y are the inputs of two separate players, and the resulting change is w and z , respectively:

$$x = w$$

$$y = z$$

$$x + y = w + z$$

In effect, Park et al. and Brotz employ methods in which a single input can generate movement. The distinction between this method and the claimed method is that a ratio of two inputs is required to affect any movement of the game unit in the x-direction in the claimed method ("the brain wave frequency of the first player is being below a brain wave frequency of the second player"). The following equation defines this logical relationship:

$$x/y = z$$

Furthermore, an important feature of the claimed method is improving one's ability to control brain wave frequencies such that the brain may operate at lower brain wave frequencies (2:1-11). By learning to control brain wave frequencies, it is possible to lower stress. This is a stated purpose of the disclosure and directly attempts to solve the problem of increased stress by requiring a player to be less stressed relative to his opponent in order to move the game unit in the x-direction.

Applicant fails to see why a person of ordinary skill in the art would look to Brotz and Park et al. to learn about reducing stress by moving a magnetic unit on top of a playing area by using

relative brain wave frequencies when both references fail to teach or suggest the required limitation of moving the ball towards the second player when “the brain wave frequency of the first player is being below a brain wave frequency of the second player.” Even if Brotz and Park et al. are combined, although neither suggests they be combined in the manner suggested, they do not teach all the limitations of the present claims.

Applicant respectfully requests that this basis of rejection be withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No.: 03-1952** referencing **Docket No.: 616562000800**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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